

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
DECEMBER 21, 2004
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Vivian Rojas, and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:19 a.m. Absent: None. Meeting was called to order at 9:11 a.m. and the invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Presentation to Mayor Wardy to be made by the People to People Student Ambassadors and group leaders from the Mayor of Ayr and the Burdekin Shire Council of Australia. [Beth S. Hunter]

Ms. Edith Ramos, Delegation Leader, explained the mission and vision of the People to People Student Ambassadors program. She introduced members of the program present at the Council meeting.

Ms. Cara Coster, Delegation Leader, introduced herself to the Council Members.

Ms. Amanda Hunter, member of the People to People Student Ambassador's group, presented Mayor Wardy with a framed certificate from the Mayor of Burdekin Shire Council of Australia and read into the record the certificate language: "To commemorate and acknowledge your contribution towards world understanding and friendship between Australia and the United States of America".

Ms. Aurora Desantes, member of People to People Student Ambassador's group, presented a souvenir from Australia on behalf of the Delegation Leaders and People to People Student Ambassadors.

Mayor Wardy explained that the students are great ambassadors of the City of El Paso. He stated, that on behalf of the Council, he wished the citizens of El Paso a very safe and happy holiday season.

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MAYOR'S PROCLAMATION

THE BILL OF RIGHTS
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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of December 14, 2004.
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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 25th day of May, 2004, after due notice and hearing, ordered LUISA H. AGUILAR, record Owner of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 6 and 7, Save and Except a portion thereof, Block 23, W. B. Latta's Addition "Woodlawn", an addition to the City of El Paso, El Paso County, Texas, more particularly described as 3718 E. San Antonio Avenue, El Paso, Texas,

to be \$7,235.58, performed by the Street Department of the City of El Paso, \$767.40 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$8,002.98. The City Council finds that the work was completed on the 20th day of October, 2004, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of EIGHT THOUSAND TWO AND 98/XX DOLLARS (\$8,002.98) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JULIET LOZANO**, to develop effective relationships with the media and to provide information to the public on city programs, projects, events and city government at a biweekly rate of \$2,115.38. The contract period shall be from December 27, 2004 through December 26, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Release of Lien for the Forgivable Loan Agreement with the El Paso Center for the Deaf in the amount of Seven Hundred Twenty Thousand And No/100 Dollars (\$720,000).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Dinner/Program
Licensee:	Pan American Round Table of El Paso
Date:	March 4, 2005
Time:	6:00 p.m. - 10:00 p.m.
Area(s):	Special Events
Charge for Space:	\$1,200.00
Charge for Staff (est.):	\$360.00
Charge for Insurance:	\$52.80

Item: Resolution that \$800,000 of available proceeds from the Tax Increment Finance Fund of the abolished Tax Increment Finance District No. 1 be authorized for budget transfer to the Main Library Expansion Project of the 2004 Quality of Life Bond Election; that such amount be allocated to the Project as follows: \$250,000 for Additional Project Contingency, \$300,000 for Furniture, and \$250,000 for Computer/Network Equipment; and that the City Manager be authorized to sign on behalf of the City of El Paso all documents required to effectuate such transfer and expenditure.

1st Motion:

Motion made by Representative Austin, seconded by Representative Cushing and **NOT CARRIED TO POSTPONE THREE (3) WEEKS** the above Resolution.

AYES: Representatives Austin, Cushing and Cobos

NAYS: Representatives Lozano, Cook Ortega, Escobar and Rojas

The motion to postpone three (3) weeks **failed**.

2nd Motion:

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the above Resolution.

3RD Motion:

Representative Cook moved to approve. Representative Escobar seconded. No roll call was taken.

4th Motion:

Representative Austin moved to postpone three (3) weeks. Representative Cobos seconded. Representative Cobos withdrew his second. No roll call was taken.

5th and Final Motion:

Motion made by Representative Austin, seconded by Representative Cobos and carried to **POSTPONE THREE (3) WEEKS** the Resolution that \$800,000 of available proceeds from the Tax Increment Finance Fund of the abolished Tax Increment Finance District No. 1 be authorized for budget transfer to the Main Library Expansion Project of the 2004 Quality of Life Bond Election; that such amount be allocated to the Project as follows: \$250,000 for Additional Project Contingency, \$300,000 for Furniture, and \$250,000 for Computer/Network Equipment; and that the City Manager be authorized to sign on behalf of the City of El Paso all documents required to effectuate such transfer and expenditure.

AYES: Representatives Austin, Cushing, Rojas, Cobos and Mayor Wardy

NAYS: Representatives Lozano, Cook Ortega and Escobar

Mayor Wardy voted AYE to break the tie. The motion to postpone three (3) weeks passed.

Mayor Joe Wardy and Representatives Cobos, Cook, Cushing, Rojas, Escobar, Ortega, Austin, and Lozano commented.

The following City staff members commented:

1. Ms. Debbie Hamlyn, Deputy City Manager for Quality of Life Services, gave a Powerpoint presentation;
2. Ms. Carol Brey-Casiano, Director of Libraries;
3. Ms. Joyce Wilson, City Manager,
4. Ms. Sylvia Borunda-Firth, Assistant City Attorney

The following members of the public commented:

1. Mr. Michael E. Breiting, Executive Director, El Paso Central Business Association and El Paso Downtown Management District,
2. Ms. Lisa Turner, citizen, requested that the Council reconsider the item to allow for public comment.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement between the City of El Paso and the Sun Bowl Association relating to traffic control and actions associated with the El Paso Vitalis Sun Bowl on Friday, December 31, 2004 in the Sun Bowl Stadium.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request to fill the following position on a **TEMPORARY** basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Accounting Clerk (1)
Fund Source: 06010022-01101-06000

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the following **PROVISIONAL APPOINTMENT** in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Central Maintenance Services Supervisor (1)
Fund Source: 31010326-01101-31001

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **FIRE**

Delete	5.00	Fire Fighter	FS 1
Delete	1.00	Fire Administration Chief	FS 7
Add	3.00	Fire Battalion Chief	FS 6
Add	3.00	Fire Suppression Technician	FS 2

Fund Source: 22010100-01101-22000

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **MASS TRANSIT**

Add	18.00	Coach Operator Trainee	GS 11
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Fund Source: 60600003-40345-60000

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Staffing Table Change for **MASS TRANSIT**

Add	3.00	Coach Operator Trainee	GS 11
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Fund Source: 60600003-40345-60000

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Victor F. Poulos to the Airport Board by Representative Susan Austin, District 1.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** William Wickline to the RSVP Advisory Board by Representative John F. Cook, District 4.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** David Dodge to the Water Conservation Advisory Board by Representative Vivian Rojas, District 7.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the installation of one street hump between 7352 and 7356 Dale Road, and a second street hump between 7352 and 7356 Franklin at an estimated total cost of \$5000 to be provided by District 3 Discretionary Funds.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE, as revised**, to approve the installation of one traffic calming device between 7352 and 7356 Dale Road, and a second traffic calming device between 7352 and 7356 Franklin at an estimated total cost of \$5000 to be provided by District 3 Discretionary Funds, funding subject to the new procedures that will be approved by Council.

Ms. Lisa Turner, citizen, spoke in opposition to the installation of speed humps on City streets.

Mayor Joe Wardy and Representatives Lozano, Cushing, Rojas, and Austin commented.

Representative Cushing suggested revising the agenda language from "speed humps" to "traffic calming device".

The following City staff members commented:

1. Mr. Rick Connor, City Engineer, commented on the new procedures regarding "traffic calming devices";
2. Ms. Terri Cullen-Garney, Deputy City Attorney, requested a revision;
3. Ms. Joyce Wilson, City Manager, commented on the Legislative Review Committee's recommendations regarding a traffic control management policy

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following installment agreements for **AD VALOREM TAXES** be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C675-999-0030-3600, \$281.54 per month installments on a balance of \$3,378.48 for 2003 taxes; Teresa Clancy – 808 Green Cove.
- B. PID #'s L447-999-0410-5700, L447-999-0410-6500 & 2002-999-2200-0034, \$462.48 per month installments on a balance of \$2,774.88 for 2003 Taxes; Guillermo & Sandra Quiroz – 4026 Thomason.
- C. PID #M772-003-0040-0600, \$512.41 per month installments on a balance of \$6,148.92 for 2001, 2002 & 2003 taxes; Jose L. Martinez – 372 Bean Ct.
- D. PID #U819-000-017K-2700, \$316.45 per month installments on a balance of \$5,696.10 for 2002, 2003 & 2004 taxes; Indalecio & Rosa Chavez – 60 Brothers Rd.
- E. PID #P682-999-0020-1300, \$151.54 per month installments on a balance of \$2,727.72 for 2002 & 2003 taxes; Fernando & Enedina Garnica – 8819 Clavel Dr.
- F. PID #X580-999-240G-0320, \$4,503.27 per month installments on a balance of \$27,019.62 for 2003 taxes; J. A. Cardwell, Sr. – 8836 Montana.
- G. PID #2003-000-0062-0022, \$8,114.36 per month installments on a balance of \$97,372.32 for 2003 taxes; The Shredder Co. LLC. Property Tax Department – 7380 Doniphan.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following **TAX REFUNDS** be approved:

- A. Landamerica Lawyers Title of El Paso in the amount of \$2,978.52 overpayment of 2004 taxes.
(PID #C340-999-1080-3500)
 - B. Tom Earley in the amount of \$52,116.78 overpayment of 2004 taxes.
(PID #L628-999-0010-0100)
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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-033 Pasodale Subdivision-Greggerson/Yale Concrete Intersection

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department: Streets
Funds Available: 14200403-PBE04ST125-29140-508027
Funding Source: 2004 Bond Election
Items: Base Bid \$59,473.00
Total Award: \$59,473.00

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Street Department recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to award Bid Solicitation No. 2005-036 Library Periodicals

Award to: EBSCO Information Services
Dallas, TX 75240

Item (s): #1 to #4 (all subscriptions)
Amount: \$73,000.00 (estimated annually)

Department: El Paso Public Library
Funds available: 31130563-508039-PPW005003YR2-60005
Funding source: Library Books-Books & Materials
Total award: \$219,000.00 (estimated)

The El Paso, Public Library and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Library's review and recommendation attached.

The Vendor offers the City the option to extend the term of the contract at the publishers final accepted price for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

Vendor also offers the City a prompt payment discount of 2 % 10 days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AUTHORIZE** the combining of the budgets, design and bidding documents on five Park projects into one bid package in conformance with the P+3's Program Outlook Plan approved by City Council on September 14, 2004. No change in funding from the 2000 Quality of Life Bond Program.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the introduction of an Ordinance changing the zoning of Lot 12, Block C, Christy Tract, El Paso, El Paso County, Texas from R-F (Ranch and Farm) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose Lopez Castillo & Lidia Corral De Lopez. ZON04-00139

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Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Ortega was not present for the vote.

- A. An ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.150 (Schedule XIV, Speed Limits), Of The El Paso Municipal Code, To Increase The Existing Speed Limit of 30 M.P.H. to 35 M.P.H. on Ojo De Agua Drive From Via Descanso Lane to Westwind Drive. The Penalty Being As Provided In Section 12.84.010 Of The El Paso Municipal Code.
- B. An ordinance granting a Special Privilege to Ahn Chi Ho permitting the encroachment of a canopy along a portion of public right-of-way at 426 South El Paso Street. (Fee: \$100.00, SP-04025)

PUBLIC HEARING WILL BE HELD ON JANUARY 4, 2005 FOR ITEMS A – B

- C. An Ordinance changing the zoning of A Portion of Lots 11 and 12 and all of lots 13 through 20, Fractional Block 28, Alexander Addition, El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Dr. Nicholas Rich. ZON04-00103
- D. An Ordinance changing the zoning of Tract 146, North Valumbrosa Subdivision No. 2, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Munoz. ZON04-00137
- E. An Ordinance granting Special Permit No. ZON04-00141, to allow for infill development on A Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Miguel Hernandez.

PUBLIC HEARING WILL BE HELD ON JANUARY 11, 2005 FOR ITEMS C– E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

RESOLUTION

WHEREAS, community colleges are critical to guaranteeing the future success of the Texas economy by preparing students for transfer to universities and by training the State's workforce;

WHEREAS, community colleges are the largest sector of higher education in the State with an annual enrollment of over 1 million students;

WHEREAS, community colleges are the gateway to higher education in Texas by enrolling 72 percent of the State's freshman and sophomore students and 76 percent of the State's freshman and sophomore minority students;

WHEREAS, community colleges are key partners with their communities in developing a skilled and trained workforce to attract new businesses to Texas and helping to retain and expand existing businesses; and

WHEREAS, community college funding has been reduced to 1994 levels by the 78th Legislature, threatening the ability of the community colleges to meet their critical mission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That, in support of the development of a viable, attractive workforce and development of the State's economy, the City Council respectfully requests that the 79th Legislature of the State of Texas restore the 2002-2003 level of funding to the fifty community college districts of the State.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

Representative Ortega was not present for the vote.

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RESOLUTION

WHEREAS, on August 31, 2004, the El Paso City Council created an ad hoc committee to investigate and define geologically occurring contours on and around the Franklin Mountains that could serve as water conveyance and/or runoff channels, define same, assess impact to commercial and residential development within and around such area, review impact to development within those areas, review various legal authority including applicable statutes and ordinances in place in other southwestern cities, planning and engineering data regarding same, and return to the El Paso City Council with an appropriate ordinance; and

WHEREAS, on September 28, 2004, the El Paso City Council revised the August 31, 2004 resolution to provide, among other changes, for additional membership from recognized neighborhood associations and a completion date of December 27, 2004; and

WHEREAS, the ad hoc committee has met regularly since creation; and

WHEREAS, the ad hoc committee has made substantial progress toward achieving completion of the Council assigned task; and

WHEREAS, by vote at its December 20th meeting, the ad hoc committee has requested a 180 day extension for completion of committee work due to the magnitude of the scope, ordinance revisions currently being considered, criteria to be established and recommended, upcoming holidays, and the cooperative spirit of the committee; and

WHEREAS, the El Paso City Council has determined that the additional time requested herein is reasonable and necessary to ensure the creation of an appropriate ordinance.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the August 31, 2004 resolution, as amended on September 28, 2004, creating an ad hoc committee charged with recommendation of an ordinance defining and protecting natural water conveyance and/or runoff channels be revised to provide an additional 180 days to bring an appropriate ordinance recommendation back to City Council.

Representative Cushing explained that due to the magnitude of the issue, the Ad Hoc Committee has requested an additional 180 days to complete the task. He personally thanked the Committee members for their hard work and effort.

Mr. John Walton, Ad Hoc Committee Vice-Chairman, commented.

Mr. Stuart Mitchell, President of the Mountain Arroyo Neighborhood Association, spoke in favor of the extension.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution as **revised** to extend the time limit to one hundred eighty (180) days.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and El Paso Healthcare Systems, Ltd. which will provide for fifty percent (50%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a fifty (50%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be ten (10) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution that the Mayor be authorized to sign a Tax Abatement Agreement by and between the City of El Paso and High Desert Investors, L.P., which will provide for twenty-five percent (25%) abatement of the assessed value of the Eligible Real Property it proposes to construct within a designated reinvestment zone and a twenty-five (25%) percent abatement of the assessed value of the Eligible Personal Property to be installed within a designated reinvestment zone. The term of abatement under this Agreement shall be five (5) calendar years beginning on January 1 of the year following completion of construction of the Improvements.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on a Resolution that the City of El Paso Interim Guidelines and Criteria for Property Redevelopment and Tax Abatement December 2004 be approved and are hereby immediately effective.
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Motion made by Representative Escobar, seconded by Representative Cushing and unanimously **CARRIED** to approve Conditional "B" building permits for Paseos Del Sol Unit Two Subdivision based on the finding of economic hardship.

Representative Austin was not present for the vote.

Representative Cook commented.

The following City staff members commented:

1. Mr. Rick Connor, City Engineer; and
2. Ms. Terri Cullen-Garney, Deputy City Attorney

Mr. Nahed Khouri, Care Free Land representative, requested that Council approve the Conditional "B" building permits due to economic hardship.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the following recommendation to award:

AYES:	Representatives Cushing, Lozano, Cook, Escobar and Cobos
NAYS:	none
NOT PRESENT:	Representatives Austin and Rojas
ABSTAINED:	Representative Ortega

Application:	City Depository Contract
Award to:	Wells Fargo Bank
	El Paso, Texas
Item (s):	All
Department:	Comptroller
Funds available:	Yes
Funding source:	Compensating Balances
Total Amount:	\$292,000.00 (estimated annually)

The Review Committee based on evaluation factors established for this Application for Depository, recommend that Wells Fargo Bank be named as the City of El Paso Depository. This is a two [2] year contract with the option to extend for two [2] additional years.

Additional, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor/City Manager be authorized to execute any related contract documents and agreements and signature authorities as necessary during the Contract.

Ms. Lisa Turner, citizen, commented.

Mayor Joe Wardy and Representatives Cobos and Escobar commented.

The following City staff members commented:

1. Ms. Carmen Arrieta-Candelaria, Comptroller;
 2. George Villegas, Assistant City Attorney
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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-012 Type 1, Class 1 Ambulances

Award to: F & F Supply Company, Inc.
Big Lake, Texas
Item (s): #1
Delete Options: All (Items O1 – O45)
Add Options: O11, O13
Amount: \$2,213,496.00
 ~~-54,000.00~~ Less Trade-In Allowance
 \$2,159,496.00

Department: El Paso Fire Department
Funds available: See Attached Detail
Funding source: FY2002, 2003, 2004 Capital Funding
Total award: \$2,213,496.00

The Fire, Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid. This vendor is also the low responsible and responsive bidder.

This is a fixed-price, single (one-time) purchase, to purchase eighteen (18) Ambulances. There is an option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days, from the date of award of the contract. No prompt payment discount is offered.

It is also requested that the Mayor and Staff be authorized to execute budget transfers for this award, as necessary.

Representative Ortega asked questions and commented.

Mr. Byron Johnson, Director of Purchasing, responded and commented.

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ORDINANCE 15972

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTION OF LOT 3, BLOCK 46, SUN RIDGE UNIT 12, EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Escobar commented.

Mr. Rudy Valdez, Chief Urban Planner, explained that the applicant had agreed to the construction of a rock wall that would separate the properties. He requested that Council approve the Ordinance with the inclusion of the condition for the rock wall.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Lozano, that the Ordinance be ***adopted with the condition of a rock wall***. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED as amended**.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Antonio Diaz amending the zoning contract dated April 14, 1987 and as imposed by Ordinance No. 8993 to delete a condition and impose new conditions for the property described as a Portion of Tract 12A and all of Tract 12B, Block 51, Ysleta Grant, El Paso, El Paso County, Texas (9647 Socorro Rd). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Antonio Diaz. ZON04-00120.
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ORDINANCE 15973

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00134, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 9 AND 10, BLOCK 32, FRANKLIN HEIGHTS (1318 MYRTLE AVENUE), EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
RESOLUTION

WHEREAS, a banner program for the City of El Paso has been established by the El Paso City Council, such program providing for banner displays on public right-of-way which promote the City and various civic and cultural functions therein and such banner program incorporated into §15.08.120 of the Municipal Code; and

WHEREAS, the banner program ordinance described above provides that a banner program is allowed only within a Council approved and pre-determined banner area ("banner district"); and

WHEREAS, the Downtown Management District, an entity eligible to apply for a banner program requests that the locations bolded in the attached exhibit "A" be included as a banner district as provided for in the banner program ordinance; and

WHEREAS, development coordinating committee has reviewed the request for the proposed banner district and is in agreement that the proposed location, as presented, is in furtherance of the promotion of the welfare of the citizens of El Paso; and

WHEREAS, City Council is of the decision that the proposed banner district, as per the attached exhibit "A" (Exhibit "A" on file in the City Clerk's Office) is appropriate, in the City's best interest, and should be approved as presented.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. **THAT** the streets bolded in the attached exhibit "A" (Exhibit "A" on file in the City Clerk's Office) and shown as "first interest" and "second interest" shall be designated together as a single banner district pursuant to 15.08.120.B.1.f and that a banner program application be authorized to proceed for the entire district or any portion thereof.

Representative Cobos commented.

Mr. George G. Sarmiento, Director of Planning, Research and Development, revised the Resolution language deleting "on today's date" and explained the implementation of a banner district in the downtown area.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution as *revised*.

Representative Lozano was not present for the vote.

ADDITION TO THE AGENDA

RESOLUTION

WHEREAS, the County has given notice pursuant to the Cooperative Agreement dated March 6, 2001, that the El Paso City-County Health and Environmental District shall be dissolved on February 4, 2005;

WHEREAS, the City and the County have long participated cooperatively to provide public health services through a cooperative agreement;

WHEREAS, the City and the County have committed to provide essential services for the families of their jurisdictions;

WHEREAS, the City and the County, due to revenue shortages experience by all local governments in combination with the growing needs of their residents, are committed to establishing thorough accountability of District funds and the extensive scrutiny of all expenditures;

WHEREAS, there are a number of conscientious and capable people representing the City, the County and the Health District who have accepted leadership roles in the effort to assure the continuation of the District; and,

WHEREAS, a number of aspects of a new cooperative agreement are yet to be fully developed and approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the El Paso City-County Health and Environmental District shall continue in existence and the parties agree to fully fund the District at the current rate for an additional month, until March 4, 2005, to allow adequate time to work out the details of an agreement satisfactory to all parties; and to discuss the following:

- 1) To support the continuation of a cooperative Health District to apply for and receive grants, and to provide a forum for joint participation;
- 2) To participate in the governance of the Health District through a Board of Directors with equal representation by the City and County;
- 3) To support the concept of a Health District Finance Committee to monitor the cost of services and keep the respective governing bodies informed throughout the year of the financial requirements of such services;
- 4) To adopt separate annual service agreements with the Health District for the funding of such services as the City and County deem necessary and its taxpayers indicate a willingness to support in a given year; and
- 5) To seek completion of a new Cooperative Agreement for the continuation of the Health District by the end of January, 2005.

1st Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **APPROVE THE AMENDMENTS** to the resolution.

2nd Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution as **amended**.

Ms. Lisa Elizondo, City Attorney, stated that she had legal advice for Council and asked that the final vote to approve the resolution be taken after the item is discussed in executive session.

After executive session, the following motions were made:

3rd Motion:

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the Mayor be authorized to sign and approve the contents of an appropriate waiver of conflict of interest on behalf of the City of El Paso in relation to any negotiations involving an Interlocal Agreement for the El Paso City-County Health and Environmental District.

Mayor Joe Wardy and Representatives Austin, Cushing, Cook, and Lozano commented.

The following City staff members commented:

1. Ms. Lisa Hayes, Assistant City Attorney, read the proposed amendments into the record; and
 2. Ms. Lisa A. Elizondo, City Attorney
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Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:07 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. The Housing Authority of the City of El Paso v. City of El Paso, et al., Cause No. 2003-3099 in the County Court at Law No. Seven of El Paso County, Texas. (551.071)
- B. *Armando Chacon v. The City of El Paso*, Cause No. 2001-4755 in the 327th District Court of El Paso County, Texas. (551.071)
- C. Discussion and action on pending claim regarding Horst Berg. (551.071)
- D. Discussion and action on pending claim regarding Rommel Delgado-Aguirre. (551.071)
- E. Discussion and action on pending claim of Margarita Amaya. (551.071)
- F. Discussion and action on pending claim of Jorge Lopez and Maria Rosario Lopez. (551.071)
- ADDN 1. Discussion and action on a Resolution that the Mayor be authorized to sign an amendment to a Cooperative Agreement that the El Paso City-County Health and Environmental District shall continue in existence and the parties agree to fully fund the District at the current rate for an additional month, until March 4, 2005, to allow adequate time to work out the details of an agreement satisfactory to all parties. This amendment was passed by the County of El Paso on December 16, 2004.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 11:34 a.m., during which time motions were made as follows:

Representative Rojas was not present for the vote.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to proceed in the lawsuit styled *Housing Authority of the City of El Paso vs. City of El Paso, et al*; Cause No. 2003-3099 in County Court at Law No. Seven as recommended by the City Attorney.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to proceed in the lawsuit styled *Armando Chacon vs. City of El Paso*; Cause No. 2001-4755 in the 327th District Court as recommended by the City Attorney.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim of Horst Berg, Our File Number Streets L0021 be **DENIED** as recommended by the City Attorney's Office.
.....

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim of Margarita Amaya, Our File Number SWM L0037 be **DENIED** as recommended by the City Attorney's Office.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim of Jorge Lopez, Our File Number Police L0015 be **DENIED** as recommended by the City Attorney's Office.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the Mayor be authorized to sign and approve the contents of an appropriate waiver of conflict of interest on behalf of the City of El Paso in relation to any negotiations involving an Interlocal Agreement for the El Paso City-County Health and Environmental District.

See discussion on the approval of the Resolution for the El Paso City-County Health and Environmental District, page 16.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 11:41 a.m.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk